

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

PETRO INDUSTRIAL SOLUTIONS, LLC
(PETRO),

Plaintiffs,

vs.

ISLAND PROJECT AND OPERATING
SERVICES, LLC (IPOS), VITOL
HOLDING, CO., VITOL VI and ANDREW
CANNING,

Defendants.

CASE NO. 1:21-CV-00312

BREACH OF CONTRACT

JURY TRIAL DEMANDED

PETRO'S RESPONSE TO IPOS' FIRST SET OF INTERROGATORIES

COMES NOW Plaintiff, PETRO, and responds to Defendant IPOS' First Set of Interrogatories as follows:

1. Identify in detail and with respect to category and time period the monetary value of income, business opportunities, and other losses you claim you have sustained as a result of the alleged actions of Defendant, as alleged in paragraph 77 of the Complaint.

Answer:

IPOS 2021 Projection previously produced as Bates Nos. PIS000472 was the budget that was to be approved for the remainder of 2021. The IPOS 2021 Projection was work scopes and budget that Petro would have received totaling approximately \$1.5M. There would have been similar work in the following years.

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2. Identify (i.e., provide the full name, present or last known address, and present or last known place of employment) each and every employee or contractor who performed welding services on behalf of Petro for any projects related to the September 2019 contract with IPOS.

Answer:

Bernardo Cruz – PO Box 8443, Christiansted, VI 00823, last known employer is Petro Industrial Solutions, LLC.

Jonathan Rodriguez – HC-01 Box 6826, Macona, Guayanilla, PR 00656, last known employer is Petro Industrial Solutions, LLC.

Angel Justiniano – Calle Ferrocarril #77, Aguirre, PR 00704, last known employer is Petro Industrial Solutions, LLC.

Benjamin Salas – Playa Villa Verde B-23, Salinas, PR 00751, last known employer is Petro Industrial Solutions, LLC.

Richael Philips – 3093 Estate Richmond, Christiansted, VI 00820, last known employer is Petro Industrial Solutions, LLC.

Daniel Martinez – PO Box 7724, Christiansted, VI 00823, last known employer is Petro Industrial Solutions, LLC.

Edgardo Batista – Rio Sol Calle 1-A3, Penuelas, PR 00624, last known employer is Petro Industrial Solutions, LLC.

George Rodriguez – PO Box 1444, Kingshill, VI 0085, last known employer is Petro Industrial Solutions, LLC.

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Fernando Lebron – Vives Calle-B, Guayama, PR 00784, Last known employer is Petro Industrial Solutions, LLC.

3. Please provide the present or last known physical address, the present or last known mailing address, the present or last known telephone number(s), the present or last known email address(es), and any other contact information you have for Guillermo Castro.

Answer:

Guillermo Castro

Email: gcastrod0@gmail.com

Phone Number: (281) 824-5976

4. Identify each and every communication between you and Guillermo Castro relating to the unsigned letter you sent Defendant on July 27, 2021, dated July 29, 2021, allegedly from Guillermo Castro, in response to Defendant's July 26, 2021 requests for information and documents from Acuren Inspection, Inc. or Costas.

Answer:

I reached out to Mr. Castro on July 21st, 2021 and sent him the welders' qualifications that were in question. I communicated to him that IPOS was questioning the validity of the qualifications and asked him if he could explain the qualifications to IPOS. He agreed and sent a letter acknowledging and

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explaining that the welders' qualifications were valid. He also offered to requalify all the welders at the IPOS site if need be.

5. Identify the date and physical address of the testing of "six welders for Adrian at my Client's shop in Puerto Rico" described or alluded to in the July 29, 2021 letter from Guillermo Castro, including the identity of each of the welders.

Answer:

The welders' coupons were shipped and tested at the facility in Puerto Rico. I do not recall the name or the physical address of the shop. The name of the welders and the corresponding dates of testing are Edgardo Batista on 2/19/21, Bernardo Cruz on 2/19/21, George Rodriguez on 2/19/21, Fernando Lebron on 4/1/21, Jonathan Rodriguez on 4/1/21, and Richael Philips on 3/22/21.

6. Please provide all facts (not legal conclusions) supporting your claim that Defendant breached the contract entered into with you on or around September 2019, as alleged in paragraph 76 of the Complaint.

Answer:

A 60-day written notice from either party to terminate the maintenance contract was never given. Further, the contract couldn't be terminated under the wording of the contract. On July 28, 2021, the letter from David Smith,

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general manager of IPOS, was emailed and US mailed terminating our maintenance contract immediately. A week before this letter on July 21, 2021, all of Petro Industrial including all employees, equipment, and supplies were suspended from entering the IPOS facility.

7. Please provide all facts, including relevant institutional knowledge (not legal conclusions), supporting your assertion in the Complaint, at paragraph 63, that requesting actual test results was "ridiculous".

Answer:

The actual test results are on the welders' qualification certificates, no other documentation was required.

8. Please identify each and every communication among Petro personnel regarding Defendant's requests for information and documents on July 26, 2021, as specified in paragraph 64 and 65 of the Complaint.

Answer:

On July 26, 2021 David Smith emailed requesting full inspection and test plan, daily records, and welding and mechanical tests of WPQs. I responded that "no I&TP reports were required from IPOS/Vitol; therefore, none can be provided, we do not have daily records but have included weld logs with all NDT which includes VT on all welds from a third-party inspection company, and the actual welder's qualification certificate were given to Petro in lieu of a

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PAUT report. Each welder was tested on four different positioned coupons which were phase array inspected and passed. Certifications were then approved, accepted and signed by Petro.”

On July 27, 2021, David Smith emailed and asked me to respond to the following:

“In the place of the ITP and daily records, can you please share the internal welding procedures you applied for GT 17 and GT 20? I assume these procedures are approved by an ASME Authorized Inspection Agency? Related to the PAUT report, you signed the qualification certificate on behalf of Acuren/Costas. We believe that there must be a report/certificate/document from Acuren/Costas in order for you sign the WPQ. Can you please provide?”

I responded with, “Petro’s welding procedures were created and approved in 2018 by INI Corp out of Puerto Rico under Section IX of the ASME code. INI Corp is an approved ASME/ASNT approved company for WPS and Inspections. Petro has use and have continued to test (through numerous PAUT & X-ray) these same procedures at Limetree Bay, IPOS, Diageo, and Cruzan Rum since 2018. Please see Mr. Castro’s attached letter regarding this question. The reason I, Adrian Melendez for Petro, signed the WPQs’ is the fact that Petro is the client and contracted Mr. Castro for this service.”

9. Please identify and describe your procedures for storing records for welders you employ or contract, including, but not limited to, welding

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procedure specifications ("WPS"), procedure qualification records ("PQRs"), welder qualification test ("WQT") results, welder performance qualifications ("WPQs"), relevant certificates and licenses, training logs, and internal performance reviews/metrics.

Answer:

The procedure for storing records for welders are that welding procedure specifications (WPS), procedure qualification records (PQR), Welder's performance qualifications (WPQ), welder logs, weld maps, third party inspection reports, and equipment testing reports (Hydro/pneumatic) are maintained and stored at Petro Industrial Solution's office by the Quality Control Manager.

10. List the names, addresses, telephone numbers, official titles, if any, and other identifying characteristics of all witnesses who have knowledge of the events alleged in the Complaint or who it is contemplated will be called upon to testify in support of your claim in this action and indicate the nature and substance of their knowledge or of the testimony which it is expected will be given by each witness. If any such persons or prospective witnesses are related to you, state the nature of the relationship. If any such witness will be compensated in any way to testify, specify the nature and extent of the compensation.

Answer:

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Objection: this calls for attorney work product.

All the names below were present and/or witnessed the verbal abuse of
Andrew Canning:

Alex Etienne – Supervisor IPOS - witnessed Andrews verbal and racist abuse
toward Islanders. Also, supervised Petro and its personnel through
numerous successful projects.

Granger Rawle – Supervisor IPOS - witnessed Andrews verbal and racist
abuse toward Islanders. Also, supervised Petro and its personnel
through numerous successful projects.

See Plaintiff's Rule 26 Disclosures.

11. Identify each person you expect to call as an expert witness at trial or
hearing and state the person's qualifications, the subject matter on which
he/she is expected to testify, all information provided to such expert by
Plaintiff or its attorneys, the substance of her/his testimony and opinions, and
a summary of the grounds for each opinion.

Answer:

No decision as to trial experts have been made at this time.

12. Identify by full name, business or residence address, and telephone
number any present or former employee of this Defendant, with whom you
have had communication relating to any issue relevant to the claims in this

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litigation following September 28, 201. Set forth in detail the substance of each communication, the approximate date of each such communication, identify each person involved in the communication, and describe with specificity the actions which led to the communication.

Answer:

None

RESPECTFULLY SUBMITTED

LEE J. ROHN AND ASSOCIATES, LLC
Attorneys for Plaintiffs

DATED: May 11, 2022

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CERTIFICATION

I, Adrian Melendez, pursuant to 28 U.S.C. § 1746 declare under penalty of perjury that the foregoing responses to Interrogatories are true and correct.

DATED: 5/11/2022

BY: 
Petro Industrial Solutions, LLC

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CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that on May 11, 2022, I electronically filed the foregoing with the Clerk of the Court using the electronic filing system, which will send a notification of such filing to the following:

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BY: /s/ Lee J. Rohm (raw)